



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
BROOKFIELD PLACE
200 VESEY STREET, ROOM 400
NEW YORK, NY 10281-1022

Jorge G. Tenreiro
WRITER'S DIRECT DIAL
TELEPHONE: (212) 336-9145
TenreiroJ@sec.gov

January 10, 2020

Via ECF

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: SEC v. Telegram Group Inc. & TON Foundation Inc., No. 19 Civ. 9439 (PKC)

Dear Judge Castel:

On December 26, 2019, Plaintiff Securities and Exchange Commission ("SEC") filed a motion to compel the production of certain banks records (D.E. 52) (the "Motion"). The Motion referred to Exhibits A through N, but only Exhibits A through I were filed on the public ECF docket, due to Defendants' confidentiality designations of the other exhibits under the standing Protective Order (D.E. 36) ("Order"). The SEC writes to notify the Court that it is now publicly filing Exhibits J through M on ECF for the reasons set forth below.

Given the expedited schedule in this case, and absent any contrary instruction from the Court, the parties have agreed that if one side is unable to give the other the seven days' notice required under Paragraph 8 of the Order before filing documents designated confidential, the filing party shall not publically file any documents designated confidential until seven days *after* the filing of such documents under seal. Alternatively, if the designating party files an application to seal the document(s) at issue, the document(s) shall remain confidential, as per Paragraph 8 of the Order, unless and until the Court denies the application.

Last night, Defendants filed an application to seal Exhibit N to the Motion, which consists of certain bank records (D.E. 60). The SEC does not oppose Defendants' application to seal these bank records. Conversely, because Defendants have not made an application to seal Exhibits J through M, the SEC is filing them on the public docket together with this letter.¹

Respectfully submitted,

A handwritten signature in black ink, appearing to be "JG Tenreiro", written over a horizontal line.

Jorge G. Tenreiro

¹ Last night, Defendants also filed an affidavit and letter (D.E. 61, 62) concerning the SEC's Motion, as the Court directed at the January 6, 2020 conference. The SEC will file a response to this submission later today.